



THE CITY OF NEW YORK
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October 21, 2016

VIA ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Kashif Alleyne, et al. v. City of New York, et al., 15-CV-01860 (WFK)(VMS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants in the above-referenced matter. Defendants write the Court to respectfully schedule the *in camera* inspection of the confidential informant (“C.I.”) file as ordered by your Honor on September 28, 2016. (Docket No. 54).

On September 28, 2016, a status conference was held. At the conference, plaintiffs moved to compel the C.I. file for a third time. Similarly for a third time, defendants opposed plaintiffs’ application on a number of grounds, including the real and apparent dangers involved in the disclosure of C.I. information. At such time, defendants also alerted the Court to the recent murder of an NYPD C.I. in a separate matter. Upon information and belief, that C.I.’s murder may have been possibly related to information uncovered during discovery in that lawsuit. Your Honor ordered defendants to produce the C.I. file *in camera* to protect the C.I. and determine if the information is relevant and satisfies the C.I. privilege. (Dkt. 54). Defendants continue to strenuously object to any C.I. information being revealed to plaintiffs (or any other person or entity), and comply with the Court’s Order for *in camera* review without waiving any objections.

The New York Police Department Criminal Enterprise Investigations (“CEI”) Division has advised defendants that due to the high sensitivity of C.I. files, the file cannot be left with the Court. Rather, the CEI will arrange for a C.I. Coordinator to bring the file to

chambers personally. The C.I. Coordinator is under strict orders to remain with the file at all times and ensure the file does not leave his or her sight. As such, the C.I. Coordinator must be in the same room with the file at all times. The C.I. file can be viewed *in camera* as long as necessary by your Honor, and the C.I. Coordinator is prepared to bring the C.I. file in compliance with your Honor's order by or before October 26, 2016. Alternatively, the C.I. Coordinator can also bring in the C.I. file on any other date and time as is convenient for your Honor. Defendants respectfully advise the Court that the same practice was employed in the matter of Ronald Gadsden v. City of New York, et al., 14 CV 6687 (RJD) (RER) before the Honorable Ramon E. Reyes for an *in camera* inspection of the C.I. file in that case.

Therefore, defendants respectfully request that the Court schedule the *in camera* inspection in accordance with the procedure outline above, at any time by or before October 26, 2016.

Thank you for your time and consideration.

Respectfully submitted,

/s/

Wilda J. Rodriguez
Assistant Corporation Counsel
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cc: Robert Marinelli, Esq. (By ECF)